

01P 20041
FEB 06 2002
PATENT & TRADEMARK OFFICE

Atty Docket: ARAOKA2

Section 112
m
V(3)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Application Division
ARAOKA et al.) ATTN: BOX MISSING PARTS
Serial No.: 09/991,871) Washington, D.C.
Filing Date: November 26, 2001) Confirmation No. 3261
For: GRAVEL-OR-THE-LIKE...) February 6, 2002

LATE SUBMISSION OF FILING FEE AND/OR DECLARATION

HON. COMMISSIONER OF PATENTS
Washington, D.C. 20231
Sir:

The present communication is in response to the "NOTICE TO FILE MISSING PARTS OF APPLICATION..." dated December 6, 2001.

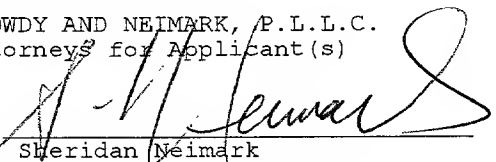
- [XX] Attached hereto is an executed oath or declaration in compliance with 37 C.F.R. 1.63, identifying the present application by title, filing date and priority information.
[] Attached hereto is an executed oath or declaration in compliance with 37 C.F.R. 1.63, identifying the present application by title, serial number, filing date and priority information, and to which is attached a duplicate copy of the application as filed.
[] Applicant claims small entity status. See 37 CFR 1.27.
[XX] Corrected Formal Drawings Figs. 1-17, 11 sheets.
[] Preliminary Amendment and Statements in Support of Filing and Submissions in Accordance with 37 C.F.R. '1.821-1.825.
[] Sequence Listing (hardcopy), and computer-readable form of Sequence Listing.
[XX] A certified copy of Japanese priority document no. 2001-199806, filed June 29, 2001, is also attached. Priority is claimed.
[] An Information Disclosure Statement with 08A-1449 and ___ references is also attached.

The following fee is calculated below:

	(Col. 1)	(Col. 2)	SMALL ENTITY			OTHER THAN SMALL ENTITY	
FOR:	NO. FILED	NO. EXTRA	RATE	FEE	OR	RATE	FEE
BASIC FEE				\$ 370.00	OR		\$740.00
TOTAL CLAIMS	23 - 20	3	X 9 =	\$		X 18 =	\$ 54.00
INDEP. CLAIMS	9 - 3	6	X 42 =	\$		X 84 =	\$504.00
[] MULTIPLE DEPENDENT CLAIMS PRESENTED			+ 135 =	\$		+ 270 =	\$
If the difference in Col. 1 is less than 0, enter "0" in Col. 2			TOTAL	\$		TOTAL	\$1,298.00

- [] Surcharge for late filing of English translation \$ 130.00
[XX] Late filing of Declaration surcharge in the amount of:
Small Entity [] \$65.00 Other than Small Entity [XX] \$130.00
[] It is hereby petitioned for an extension of time in accordance with 37 C.F.R. 1.136(a).
The appropriate fee required by 37 C.F.R. 1.17 is calculated as shown below:
Small Entity Other Than Small Entity
Response Filed Within Response Filed Within
[] First - \$ 55.00 [] First - \$ 110.00
[] Second - \$ 200.00 [] Second - \$ 400.00
[] Third - \$ 460.00 [] Third - \$ 920.00
[] Fourth - \$ 720.00 [] Fourth - \$1,440.00
Month After Time Period Set Month After Time Period Set
[XX] Conditional Petition for Extension of Time:
If any extension of time for a response is required, applicant requests that this be considered a petition therefor.
[] Check No. _____ in the amount of \$ _____ is enclosed to cover the above fees.
[XX] Credit Card Payment Form, PTO-2038, authorizing payment in the amount of \$1,428.00 is enclosed to cover the fees.
[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR 1.18.

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By: 
Sheridan Neimark
Registration No. 20,520

SN:edg

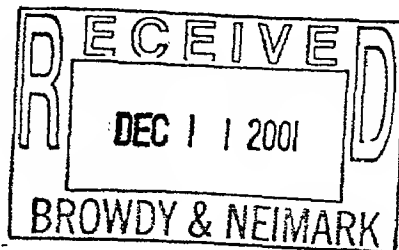


UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/991,871	11/26/2001	Toshinobu Araoka	ARAOKA=2

001444
BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON, DC 20001-5303



CONFIRMATION NO. 3261

FORMALITIES LETTER



OC000000007163875

Date Mailed: 12/06/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

DOCKETED

MSPD RG-
6 FEB 2002

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$558.
 - \$54 for 3 total claims over 20.
 - \$504 for 6 independent claims over 3.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1428.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);